

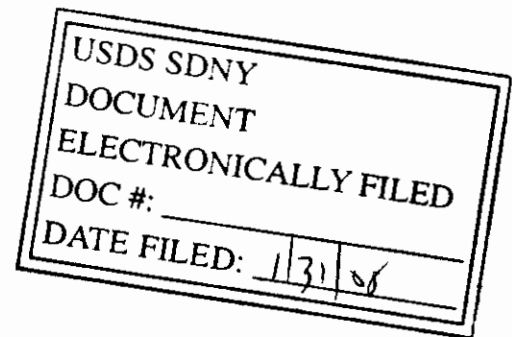
**ELLYN I. BANK**  
Attorney At Law  
225 Broadway, Suite 715  
New York, New York 10007

212-385-1800  
FAX 212-566-8165

January 31, 2008

**By Facsimile Transmission**

Honorable Richard J. Sullivan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY, 10007



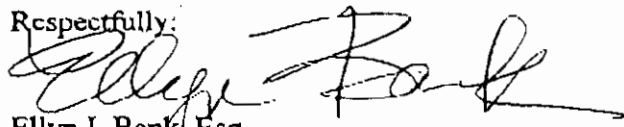
Re: US v. Mendosa, 07 Cr 756

Dear Judge Sullivan:

I represent the defendant, Cesar Estevez with respect to the above captioned case. I am in receipt of the Government's correspondence of today, January 31, 2008. I write to inform the court of the defense's position with respect to the hearing that is scheduled for February 1, 2008.

Because the Bureau of Prisons has taken this long to bring Mr. Estevez to an outside orthopedist, it is the defense's request that the hearing go forward unless the Bureau of Prisons gives an outside date by which Mr. Estevez will have an MRI.

Respectfully:

  
Ellyn I. Bank, Esq.  
Attorney for Cesar Estevez

cc: AUSA Rua Kelly (via fax: 212-637-1035)

The February 1, 2008 hearing is adjourned. The parties are to submit a joint status letter by February 13, 2008 apprising the Court of Mr. Estevez's condition, including whether the MRI has been completed.

SO ORDERED  
Dated: 1/31/08 RICHARD J. SULLIVAN  
U.S.D.J.